IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 13356 of 2004

Between:

1 Mirza Turab Ali Baig, S/o. Late M.M. Ali Baig,
R/o.H.No. 12-2-14/A, Muradnagar, Hyderabad.
2 Mirza Raza ali Baig, S/o. Late M.M. Ali Baig,
R/o.H.No. 12-2-14/A, Muradnagar, Hyderabad.

..... PETITIONERS

AND

1 The District Collector, Nalgonda, district.
2 Revenue Divisional Officer, Bhongiri, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ Order or Direction more particularly in the nature of Writ of Mandamus directing the respondents 1 to 3 to restore the possession of Ac:22:58 cents in Survey No.355, 357, 358, 359 and 360 of Bibinagar Village & Mandal, Nalgonda district to the petitioners herein.

Counsel for the Petitioners : Mr.S.S.PERVAIZ (Not present)

Counsel for the Respondents: G.P. FOR REVENUE

The Court made the following :

ORDER:

Since the date of filing of writ petition, none appeared for the petitioner, when the matter was taken up on 30.7.2004 and 6.10.2004. Today also, none appeared for the petitioner.

It is averred in the affidavit that the petitioner's father filed declaration in C.C.NO. 5750/75/BNG under A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 before the Land Reforms Tribunal, Bhongir and the Tribunal by its order dated 14.10.1976 determined that the petitioner's father is a surplus land holder to an extent of 0.9157 standard holding in excess of the ceiling area and the same was ordered to be surrendered to the Government. Aggrieved by the same, petitioner's father filed appeal L.R.A.No. 58 of 1979 before the Land Reforms Appellate Tribunal, which was allowed and pursuant to the same, petitioner's father filed a petition before the Addl. Revenue Divisional Officer. It is stated that the Revenue Divisional Officer by order in C.C.No. 1901/75/HNG dated 21.9.1989 directed for restoration of land in favour of petitioner's father. It is stated that the order dated 21.9.1989 was passed after the expiry of petitioner's father and after the demise of their mother, when they searched, they found the papers and therefore filed the present writ petition seeking for restoration of the lands in their favour.

In fact, in the order passed by the Revenue Divisional Officer dated 21.9.1989 it was stated that an extent of Ac.22-50 cents reverted through the order in C.C.No.1901/75/BNG dated 29.6.1982 stands cancelled and the land should be taken possession from the declarant Sri Gudur Ramchandra Reddy stating that the land has already been deleted from the holding of declarant and it is nowhere stated that it has to be restored to the declarant.

In the circumstances, I see no reasons to interfere in the matter and no relief can be granted to the petitioners. The writ petition is misconceived and it is accordingly dismissed. No costs.

_____

A.GOPAL REDDY, J

Date: 13.10.2004

DA

To

1 The District Collector, Nalgonda, district.
2 Revenue Divisional Officer, Bhongiri, Nalgonda District.

3 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.

4 Two CD copies.